

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
DAVID SIMMONS,)	
)	
Defendant.)	
)	

ORDER

IT IS, THEREFORE, **ORDERED** that the following language be stricken from the indictment in this matter, said language being surplusage: “and having been convicted on or about July 9, 2003 in the Superior Court of Cleveland County, North Carolina, of a crime punishable by imprisonment for a term exceeding one year”, **GRANTED** pursuant to Rule 7(d) of the Federal Rules of Criminal Procedure.

Signed: December 30, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

